

## UNITED STATES DISTRICT COURT

for the

District of Nebraska

United States of America

v.

Benjamin Hawthorne

Case No: 4:09CR3069-1

USM No: 03906-029

Date of Original Judgment: 04/27/2011

Date of Previous Amended Judgment: \_\_\_\_\_

(Use Date of Last Amended Judgment if Any)

Jeffrey L. Thomas

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 135 months on Count I ~~months~~ is reduced to 120 months on Count I ~~months~~.  
& 60 months on Count III consecutive & 60 months on Count III consecutive  
(Complete Parts I and II of Page 2 when motion is granted)

The defendant shall not be released any earlier than November 1, 2015.

Except as otherwise provided, all provisions of the judgment dated 04/27/2011 shall remain in effect.

IT IS SO ORDERED.

Order Date: 10/30/2015

s/ Richard G. Kopf

Judge's signature

Effective Date: 11/01/2015

(if different from order date)

Richard G. Kopf, Senior United States District Judge

Printed name and title

**This page contains information that should not be filed in court unless under seal.**  
*(Not for Public Disclosure)*

Benjamin Hawthorne

DEFENDANT: \_\_\_\_\_

CASE NUMBER: 4:09CR3069-1

DISTRICT: District of Nebraska

**I. COURT DETERMINATION OF GUIDELINE RANGE *(Prior to Any Departures)***

Previous Total Offense Level: <u>31</u>	Amended Total Offense Level: <u>29</u>
Criminal History Category: <u>III</u>	Criminal History Category: <u>III</u>
Previous Guideline Range: <u>135</u> to <u>168</u> months	Amended Guideline Range: <u>120</u> to <u>135</u> months

**II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE**

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

**III. ADDITIONAL COMMENTS**

Filing nos. 241 and 242 are granted as provided herein.